

REMARKS/ARGUMENTS

New POWER OF ATTORNEY/CORRESPONDENCE ADDRESS

(Customer Number 51472)

The Applicant is submitting herewith a new “power of attorney” that both (1) appoints practitioners associated with USPTO customer number (CN) 51472 and also (2) indicates the new correspondence address of the present U.S. utility patent application to be that which is associated with USPTO CN 51472

=====

Brief Summary of Status (of non-final office action mailed on 09-19-2007 (Part of Paper No./Mail Date 20070914))

Claims 1-57 are pending in the application.

Claims 24-34 are allowed.

Claims 1-23 and 35-57 are rejected.

35 U.S.C. § 112

The Examiner asserts:

“4. Claims 45 to 57 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 45 is a single means claim and the scope of the claim is not commensurate with the specification. Claims 46 to 57 are also rejected due to their dependency on a rejected base claim.” (non-final office action, Part of Paper No./Mail Date 20070914, p. 2).

The Examiner asserts:

“6. Claims 1 to 23 and 35 to 57 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite because the phrase “operable to perform” recited in line one is indefinite. Claims 2 to 11 are also rejected due to their dependency on a rejected base

claim. In dependent claims (12, 35 & 45) have a similar problem as claim 1 and are also rejected under 35 U.S.C. 112, second paragraph.

7. Claim 45 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: symbol estimating computer, bit mode calculator, edge messages as described in fig. 19.” (non-final office action, Part of Paper No./Mail Date 20070914, p. 3).

Allowable Subject Matter

The Examiner asserts:

“8. Claims 24 to 34 are allowed.

9. Claims 1 to 23 and 35 to 44 would be allowable once the 112 second paragraph rejection is overcome.” (non-final office action, Part of Paper No./Mail Date 20070914, p. 3).

=====

35 U.S.C. § 112

The Examiner asserts:

“4. Claims 45 to 57 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 45 is a single means claim and the scope of the claim is not commensurate with the specification. Claims 46 to 57 are also rejected due to their dependency on a rejected base claim.” (non-final office action, Part of Paper No./Mail Date 20070914, p. 2).

The Applicant has amended the claims.

In view of such amendments, the Applicant respectfully requests that the Examiner withdraw these rejections.

The Examiner asserts:

“6. Claims 1 to 23 and 35 to 57 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite because the phrase “operable to perform” recited in line one is indefinite. Claims 2 to 11 are also rejected due to their dependency on a rejected base claim. Independent claims (12, 35 & 45) have a similar problem as claim 1 and are also rejected under 35 U.S.C. 112, second paragraph.

7. Claim 45 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: symbol estimating computer, bit mode calculator, edge messages as described in fig. 19.” (non-final office action, Part of Paper No./Mail Date 20070914, p. 3).

The Applicant has amended the claims.

In view of such amendments, the Applicant respectfully requests that the Examiner withdraw these rejections.

Allowable Subject Matter

The Examiner asserts:

- “8. Claims 24 to 34 are allowed.
9. Claims 1 to 23 and 35 to 44 would be allowable once the 112 second paragraph rejection is overcome.” (non-final office action, Part of Paper No./Mail Date 20070914, p. 3).

New POWER OF ATTORNEY/CORRESPONDENCE ADDRESS
(Customer Number 51472)

Again, the Applicant respectfully points out that the Applicant is also submitting a new “power of attorney” herewith that both (1) appoints practitioners associated with USPTO customer number (CN) 51472 and also (2) indicates the new correspondence address of the present U.S. utility patent application to be that which is associated with USPTO CN 51472 (which is also listed below):

GARLICK HARRISON & MARKISON
P.O. Box 160727
AUSTIN, TEXAS 78716-0727

The Applicant respectfully believes that claims 1-57 are in condition for allowance and respectfully requests that they be passed to allowance.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present U.S. utility patent application.

RESPECTFULLY SUBMITTED,

By: /SXShort/ Reg. No. 45,105
Shayne X. Short, Ph.D., Reg. No. 45,105
Direct Phone: (512) 825-1145
Direct Fax No. (512) 394-9006

GARLICK HARRISON & MARKISON
ATTORNEYS AT LAW
P.O. Box 160727
AUSTIN, TEXAS 78716-0727
TELEPHONE (512) 825-1145 / FACSIMILE (512) 394-9006 OR (512) 301-3707